

REMARKS:

General:

The Applicant appreciates the examiner's efforts in the Advisory Action to address the post final rejection remarks sent September 02, 2008. The Applicant requests

5 that the examiner consider the following remarks in accordance with the amendments requested in the September 02, 2008 response.

By the above amendments, the Applicant has amended the specifications and the claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentable over the prior arts.

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Claim Rejections under 35 USC §102: Rejection of claim 1, 4, 13 under Matsumoto.

The Applicant elects to cancel claims 1-13 and has submitted new claims 14-22 in efforts to better define the present invention and to overcome Matsumoto. New independent claim 14 contains additional elements that clearly distinguish the present

15 invention from Matsumoto.

New independent claim 14 contains a preamble that focuses the present application to the field of impact heads for percussive therapeutic devices. This new preamble is clearly supported throughout the specification and the abstract of the present application. The Applicant believes that Matsumoto should no longer be considered as

20 anticipatory prior art due to the unrelated nature and use of the two inventions.

New independent claim 14 incorporates additional key novel features of the present invention. The Applicant has added the term "elastic" in front of the prior claim

language “impact head” and “impact head central bore.” The last paragraph of claim 14

also contains new claim language that describes the novel ability of the elastic impact

head to adhere to the reciprocating rod without additional attachment means such as

screws or bolts. The present invention addresses all the needs of professionals in the

5 therapeutic massage industry by providing an impact head that can be installed and removed with ease, yet will not come loose during intensive use. For example, a typical therapeutic session would involve the use of multiple types of impact heads and because the therapy includes intensive digging and wrenching of the impact head onto the patient’s body, the impact head must be firmly secured. The elastic nature created by the

10 annular slot and the central bore of the present invention forms a suction that fulfills this requirement by securing the impact head firmly on the reciprocal rod. The novel central insert also helps limit compression of the central bore, further securing the reciprocating rod to the annular slot while at the same time providing additional firmness to the core of the elastic impact head.

15 Matsumoto fails to contain the above mentioned novel elements. The impact head of Matsumoto is clearly not elastic in nature. The impact head of Matsumoto is attached using heavy bolts (8). Lastly, the impact head of Matsumoto fails to attach to a reciprocal rod and would not withstand any percussive movement.

Claim Rejections under 35 USC §103: Rejection of claim 6-10 under Mastsumoto

Once again as described *supra*, the teachings of Matsumoto have little similarities to the present invention. The fields of inventions are not related. The purpose of the invention is not related and most importantly Matsumoto fails to address any of the key problems disclosed in the present application, and lacks many novel elements disclosed 5 in new independent claim 14.

The present invention is utilized predominantly in chiropractic therapy procedures performed by chiropractors. Whereas Matsumoto is a large mechanical device used to drive down piling for construction. The uses of the two devices are distinctly different. The present invention requires the quick and easy exchange of the impact head so that a 10 chiropractor can perform his task efficiently. The present device requires more horizontal stability because the contact end of the impact head needs to be applied in a multitude of angles, thus requiring more lateral stability.

A person skilled in the art will more than likely agree that Matsumoto's Pile Driver does not solve the same problems nor does it suggest or teach of the present 15 invention and should not be used as prior art for any USC §103 arguments.

CONCLUSION:

For all the above reasons, applicants submit that the specification and claims are now in proper form and that the claims all define patentable over the prior art. Therefore applicant submits that this application is now in condition for allowance, which action

5 Applicant respectfully solicits.

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15 Respectfully submitted,

20	/Carl D. CROWELL, Reg. #43,568/	12/12/08
	Carl D. Crowell	_____
	Registration No. 43,568	Date
	P.O. Box 923	
	Salem, OR 97308	
25	Tel: 503-581-1240	
	Fax: 503-585-0368	